

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CITIZENS CARING FOR THE FUTURE,
NEW MEXICO INTERFAITH POWER
AND LIGHT, CENTER FOR
BIOLOGICAL DIVERSITY, and
WILDEARTH GUARDIANS,
Plaintiffs,

v.

DOUGLAS BURGUM, in his official
capacity as U.S. Secretary of the Interior, and
UNITED STATES BUREAU OF LAND
MANAGEMENT,
Federal Defendants

and

INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO
Intervenor-Respondent

Case No. 2:23-cv-00060-MLG-KRS

**STIPULATED MOTION TO DISMISS APPLICATIONS FOR PERMITS TO DRILL
FROM COMPLAINT**

Parties respectfully move the Court to dismiss six Applications for Permits to Drill (APDs) from Plaintiffs' challenge in this case. In support of this motion, Parties submit as follows:

1. The initial case challenged BLM's decision to issue 32 oil and gas lease parcels within BLM's Carlsbad Field Office, pursuant to its January 14, 2021 lease sale. Plaintiffs allege that BLM's decisions violated the National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321–4370h, and their implementing regulations. This case was filed on January 23, 2023, and Federal Respondents' Answer deadline has been stayed eight times while the agency determined the implications of the decision in *Diné CARE v. Haaland*, 21-2116 (10th Cir. 2023), and while

Parties to attempted to resolve the challenge through settlement. In December 2023, Federal Respondents revealed that at least some Applications for Permits to Drill (APDs) had been granted that transverse the challenged leases. Some of those APDs were rescinded by Federal Defendants, and upon information and belief of Plaintiffs, ten (10) of those APDs were developed – the “Pavo Macho” APDs, “Querecho” APDs, and “Thunderball” APDs.

2. Parties were ultimately unable to reach a settlement, and Plaintiffs filed a Motion for Leave to Amend Complaint to add the EAs for the approved APDs to the complaint on August 30, 2024 (ECF 36). Plaintiffs’ Motion was granted by this Court on September 17, 2024 (ECF 38), and Plaintiffs filed the Amended Complaint on September 18, 2024 (ECF 39). Federal Defendants filed an Answer to Amended Complaint on October 2, 2024 (ECF 41).

3. Independent Petroleum Association of New Mexico (henceforth IPANM) filed a Motion to Intervene on October 8, 2024 (ECF 43). This Court granted IPANM’s Motion to Intervene on October 18, 2024 (ECF 47). After a hearing on Plaintiff’s Motion to Reconsider Intervention on November 15, 2024, the Court again granted IPANM’s Motion to Intervene on December 18, 2024 (ECF 56).

4. A briefing schedule was filed on February 12th, 2025, with May 19th, 2025 set as the date of filing for Plaintiff’s opening brief. ECF 61.

5. On or about May 9th, 2025, Plaintiffs discovered that six of the APDs challenged in the Amended Complaint, the “Thunderball APDs,” (Thunderball 23 Fed 1BS Com 1H, Thunderball 23 Fed 1BS Com 2H, Thunderball 23 Fed 3BS Com 3H, Thunderball 23 Fed 3BS Com 4H, Thunderball 23 Fed WCA Com 5H, and Thunderball 23 Fed WCA Com 7H), were challenged in *Center for Biological Diversity v. Department of Interior*, 1:22-cv-1716 (23-5308), filed on June 15th, 2022. That case, which is in the D.C. Circuit Court, filed by the same

Conservation Groups that constitute Plaintiffs in this case, challenges nearly 4,000 APDs, and was filed before either the original complaint or the amended complaint in this case.

Accordingly, Plaintiffs assert that *Center for Biological Diversity* is the proper case to adjudicate the Thunderball APDs.

6. Federal Rule of Civil Procedure 41 allows for a party to dismiss an action, with 41(a)(1) allowing for dismissal without a court order. Rule 41(a)(1)(A) allows for “(a) Voluntary Dismissal. (1) By the Plaintiff. (A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.”

7. Parties respectfully request that this Court allow for the dismissal of Thunderball 23 Fed 1BS Com 1H, Thunderball 23 Fed 1BS Com 2H, Thunderball 23 Fed 3BS Com 3H, Thunderball 23 Fed 3BS Com 4H, Thunderball 23 Fed WCA Com 5H, and Thunderball 23 Fed WCA Com 7H from this case, pursuant to Rule 41(a)(1)(A)(ii), which allows for dismissal by “a stipulation of dismissal signed by all parties who have appeared.” The stipulated motion herein serves as a dismissal signed by all parties who have appeared, who hereby agree to dismiss the Thunderball APDs from this case.

WHEREFORE, Parties stipulate to the dismissal of Thunderball 23 Fed 1BS Com 1H, Thunderball 23 Fed 1BS Com 2H, Thunderball 23 Fed 3BS Com 3H, Thunderball 23 Fed 3BS Com 4H, Thunderball 23 Fed WCA Com 5H, and Thunderball 23 Fed WCA Com 7H from the disposition of this case.

Respectfully submitted this 16th of May 2025,

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